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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,777	09/06/2006	Tony Whittaker	WW/3-22355/A/PCT	4484
324	7590	11/04/2009		
JoAnn Villamizar Ciba Corporation/Patent Department 540 White Plains Road P.O. Box 2005 Tarrytown, NY 10591			EXAMINER HRUSKOCI, PETER A	
			ART UNIT	PAPER NUMBER
			1797	
			NOTIFICATION DATE	DELIVERY MODE
			11/04/2009 ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/591,777

Applicant(s)

WHITTAKER ET AL.

Examiner

/Peter A. Hruskoci/

Art Unit

1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claims 15-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 15 is considered incomplete because it is essential that the instant process include a step for dewatering the suspension after addition of the flocculant composition. Claims 16 and 17 depend from claim 15.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-12, 15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sorensen et al. 5,846,433 in view of Phillips et al. 4,179,424. Sorensen et al. (see col. 7 line 3 through col. 8 line 17) disclose a process of dewatering an aqueous suspension substantially as claimed. The claims differ from Sorensen et al. by reciting that the process includes adding a second flocculant or composition which is a polymer having a specific Brookfield viscosity. Phillips et al. disclose (see col. 1 lines 7-53, and Table I) that it is known in the art to prepare quaternary ammonium salts of acrylamide having the recited Brookfield viscosity for use in industrial aqueous systems such as sewage plants. It would have been obvious to one skilled in the art to modify the process of Sorensen et al. by utilizing the recited polymer in view of the teachings of Phillips et al., to aid in flocculating and dewatering the suspension. The specific viscosity and second flocculants utilized, would have been an obvious matter of process optimization to one skilled in the art, depending on the specific suspension treated and results desired, absent a sufficient showing of unexpected results.

Claims 4, 13, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sorensen et al. 5,846,433 in view Phillips et al. 4,179,424 as above, and further in view of Ghafoor et al.6,001,920. The claims differ from the references as applied above by reciting the second flocculant has a specific polymer concentration by weight, and the first and second flocculant are added simultaneously or combined into a single composition. Ghafoor et al. disclose (see col. 1 line 16 through col. 6 line 36) that it is known in the art to utilize a flocculant composition having a concentration of 5% by weight and including first and second polymer coagulants or flocculants, to aid in flocculating sludge suspensions. It would have been obvious to one skilled in the art to modify the references as applied above, by utilizing the recited composition in view of the teachings of Ghafoor et al., to aid in flocculating and dewatering the suspension. The specific concentration utilized, would have been an obvious matter of process optimization to one skilled in the art, depending on the specific sludge treated and results desired, absent a sufficient showing of unexpected results.

Applicants argue that the combination of references do not arrive at the presently claimed invention, as not one suggest a second dewatering flocculant of 400,000 cps. It is noted that Sorensen et al. disclose the use quaternary ammonium salts of acrylamide as the flocculant polymer. It is submitted that the teachings of Phillips et al. as applied above, appear to suggest the use of quaternary ammonium salts of acrylamide or flocculants having the recited Brookfield viscosity in the treatment of aqueous sewage systems or suspensions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to /Peter A. Hruskoci/ whose telephone number is (571) 272-1160. The examiner can normally be reached on Monday through Friday from 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter A. Hruskoci/
Primary Examiner
Art Unit 1797

10/27/09